HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.19800 OF 2000

Between:

Gopal

… Petitioner

AND

A.P Transmission Corporation, rep., by its
Director, Vidyut Soudha, Hyderabad and another

… Respondents

:: O R D E R ::

Counsel for the petitioner : Shri P. Girikrishna
for Shri Mantha Srinivas

Counsel for the respondents : Shri Samineni Kishore

March 21, 2007

In this petition, the petitioner has prayed for quashing communication dated 11-7-2000 vide which Superintending Engineer, Operation Circle, Mahabubnagar, AP Transco (respondent No.2) rejected his candidature for appointment on the post of Junior Lineman.

The petitioner claims to have worked as contract labour with Shri Jayanth Reddy, who was running establishment under the name and style "Raghavendra Engineering Contractors" at Mahabubnagar.

According to the petitioner, he had worked in connection with the construction of 11 KV line works, transformer repairing and transportation of goods belonging to the respondents. In 1997, he applied for appointment in the regular establishment of the Board in accordance with the policy contained in B.P.Ms.No.36, dated 18.5.1997. After some time, he filed Writ Petition No.32350 of 1997 for issue of a direction to the respondents to consider his candidature for appointment against regular vacancy in the cadre of Junior Lineman. The same was disposed of by the learned Single Judge with a direction to the respondents to consider the petitioner's case in accordance with the policy contained in B.P.Ms.No.36, dated 18-5-1997.

In compliance of the Court's order, the petitioner was interviewed by respondent No.2, but his candidature was rejected on the ground that he was under-aged at the first engagement by the contract labour and also on the ground that the service certificate produced by him has not been countersigned/verified by any officer.

Shri Girikrishna, learned counsel for the petitioner emphasised that his client was eligible on the date specified in B.P.Ms.No.36, dated 18-5-1997 and also on the date of interview and, therefore, his candidature could not have been rejected on the ground that he was not underage at the time of initial engagement. In support of this argument, learned counsel relied on the judgment of the Division Bench in Writ Appeal No.449 of 1999 and batch, decided on 23.4.1999 and the clarification issued by the Board vide Memo No. DP/DIR/DM (IR)/PO.II/131/96, dated 13-9-1997. He further argued that the service certificate produced by the petitioner is amply supported by the record forwarded by the officers of the Board and, therefore, absence of countersignature should not have been made a ground for rejecting

his candidature.

Shri Samineni Kishroe, learned counsel for the respondents invited my attention to memo bearing No. Addl. Secy./DIR/AS(IR)/PO-II/A1/1170/99, dated 3-12-1999 and argued that in the absence of verification/attestation/certification by a designated officer of the AP Transco, the petitioner cannot be treated eligible for recruitment by presuming that he was engaged as contract labour for execution of the works awarded by the Board.

I have considered the respective submissions. A perusal of experience certificate dated 8-10-1997 issued by Proprietor of Raghavendra Engineering Contractors shows that the same has not been attested/verified by any officer of the Board. The instructions contained in memo dated 3-12-1999 issued by Additional Secretary of the Board shows that the certificate issued by the contractor can be taken into consideration only if it is singed by AP Transco official i.e., AAE/AE/ADE.

Since the service certificate produced by the petitioner has not been verified or attested by any officer of the AP Transco, the view taken by respondent No.2 that he had failed to establish his eligibility and entitlement to be appointed against regular post in terms of policy contained in B.P.Ms. No. 36, dated 18-5-1997 cannot be dubbed as illegal or arbitrary.

The petitioner has not produced any other document to substantiate his assertion that he had worked with the contractor and was involved in execution of the contract awarded by the Board. Therefore, it is not possible to entertain his prayer for quashing communication dated 11-7-2000 issued by respondent No.2 and for issue of a mandamus to the respondents to appoint him as Junior Lineman.

In the result, the writ petition is dismissed.

G.S.SINGHVI, C.J.

March 21, 2007

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